

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
THOMAS J. CAHILLANE,)	CASE NO. 04-65210 JPK
)	Chapter 7
Debtor.)	

GORDON E. GOUVEIA,)	
Plaintiff,)	
v.)	ADVERSARY NO. 06-6088
DOUGLAS J. PIERCE, et al.,)	(consolidated with Adversary Proceeding
Defendants.)	Number 06-6243)

GORDON E. GOUVEIA,)	
Plaintiff,)	
v.)	
PEDRO A. AZEVEDO,)	
Defendant.)	

ORDER REGARDING HEARINGS/CONFERENCES

This case was initiated by a complaint filed on March 17, 2006. Since that time, a number of skirmishes have been fought which the parties seem to believe poise them – depending upon which ultimately prevails – either on the brink of the First and Second Battles of Bull Run (or Manassas, as denominated by the South) or on the brink of Pickett's Charge at Gettysburg. Certainly, the opposing parties each have in mind their own version of Sherman's March to the Sea with respect to conquering the position of the other.

On June 27, 2007, in the ordinary course of processing of this case, the Court entered its customary discovery deadline/scheduling conference order, which established a discovery deadline for December 31, 2007 and scheduled a conference to determine further proceedings in the case for January 17, 2008. Discovery skirmishes inevitably took place following the entry of this order, several of which were disposed of by the Court in the ordinary course of its adversary proceeding case processing. The last actual hearing held in the consolidated adversary proceedings was on October 3, 2007, and at that point the Court assumed that the

parties would complete discovery by December 31, 2007, and that the scheduling conference set for January 17, 2008 would set the date for trial of the cases without further ado. That assumption proved to be erroneous. Beginning on December 21, 2007, the parties filed a flurry of motions.

On December 21, 2007, a motion for protective order was filed by Cynthia Pierce with respect to her deposition. An objection to this motion was filed by the plaintiff on January 31, 2008. This matter was initially set for hearing on January 17, 2008, and it has now been reset for hearing on February 7, 2008 at 11:15 A.M.

On December 26, 2007, the plaintiff filed a motion to extend the discovery deadline. An objection to this motion was filed by the defendants on January 11, 2008. The contest arising from the motion and the objection will be set for hearing on February 7, 2008 by this order.

On December 28, 2007, the defendants filed a motion to compel with regard to a subpoena which was issued by them to JPMorgan Chase Bank, NA. The response to this motion was filed by JPMorgan Chase Bank on January 7, 2008. A supplemental exhibit was filed by the movants on January 8, 2008, and a reply to the objection was filed by the movants on January 22, 2008. JPMorgan Chase Bank filed yet another response on January 28, 2008. This skirmish has been set for hearing on February 7, 2008 at 11:15 A.M.

On January 2, 2008, another motion to compel was filed by the defendants with respect to a motion for production of documents submitted by them to the plaintiff. This motion has been set for hearing on February 7, 2008 at 11:15 A.M. On February 1, 2008, the plaintiff filed an objection to this motion.

The foregoing recitation establishes that there are now four separate motions outstanding with respect to what should be the relatively simple task of arranging for this case to be ultimately resolved by trial. The hearing which will be held on February 7, 2008 will put an end to all of the skirmishes and will belie what might result from the empirical analysis of this

adversary proceeding (and its consolidated sister) by anthropologists, biologists, botanists, sociologists and psychologists as to the relative ability of human beings to act at a level of co-existence at least equivalent to that of squirrels.¹

IT IS ORDERED that a hearing will be held on **February 7, 2008, commencing at 11:15 A.M.**, with respect to the following matters:

1. The plaintiff's Motion to Extend Discovery Deadline filed on December 26, 2007, and all responses to that motion;
2. The Motion for Protective Order filed on December 21, 2007 and all responses thereto;
3. The Defendants' Motion to Compel With Regard to JPMorgan Chase Bank filed on December 28, 2007, and all responses thereto;
4. The Defendants' Motion to Compel Discovery From Trustee filed on January 2, 2008, and all responses thereto;
5. Scheduling of the date for submission of a final pre-trial order, the date for a final pre-trial conference, and the date for trial.²

¹ This is not to denigrate squirrels – which incidentally have the second highest frontal lobe to body size ratio of all mammals, second only to . . . porpoises. All kidding and corny mixed metaphors aside, the Court expects the parties to have made every conceivable effort to resolve their disputes in a constructive manner by the hearing scheduled for February 7, 2008. If that has not occurred, the Court will resolve all of the pending matters in a manner which will probably not be satisfactory to either side. The February 7, 2008 hearing will result in a definite final pre-trial conference date and a final trial date. This case – possibly more than any other that has been before the Court in this judicial officer's tenure as a judge – has now evidenced the type of trial practice engaged in by attorneys practicing in Philadelphia, New York, Washington, D.C., Los Angeles, Chicago and other major metropolitan venues – practices with which this judicial officer (believe it or not) is fully familiar. This type of practice is not met with a warm and fuzzy reception in the United States Bankruptcy Court for the Northern District of Indiana.

² In case the parties haven't ascertained the Court's chagrin with the progress of this case and the manner in which it is progressing from this order, it would not behoove anyone to present any other matter to the Court in advance of the February 7, 2008 hearing in relation to this consolidated adversary proceeding. Again, the Court expects the parties to make every

Dated at Hammond, Indiana on February 4, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

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effort to have resolved their disputes prior to the hearing on February 7, 2008.